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ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.
25 Plaintiff,
26 v.
26 GOOGLE INC.
27 Defendant.

Case No. CV 10-03561 WHA

DECLARATION OF NEAL CIVJAN

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

1 I, Neal Civjan, declare and state as follows:

2 1. This declaration is made pursuant to Fed. R. Evid. 803(6) and 902(11) for the
3 purpose of authenticating and certifying as a business record a document developed by or located
4 in the archives of Oracle America, Inc. ("Oracle"). I have personal knowledge of the facts set
5 forth herein, and if I had been allowed to testify about the documents marked by Oracle as Trial
6 Exhibits 6431 and 6470, I could and would have testified competently to the statements made
7 herein.

8 2. I reside in Palo Alto, California.

9 3. I was employed by Sun Microsystems, Inc. ("Sun") from 1994 until it was
10 acquired by Oracle in 2010. I was then employed by Oracle until I left the company in 2011.
11 Prior to the acquisition, Sun, among other things, licensed the use of its copyrighted software,
12 including different Java platforms, such as Java SE, Java ME, and Java Card, to those desiring to
13 use that software. Oracle continued to license the Java platforms after it acquired Sun.

14 4. I first licensed the Java platforms in 1995. In 2000, I took on the responsibility of
15 running Sun's worldwide software sales group, the focus of which was licensing the Java
16 platforms. I was given the title Vice President Worldwide Software and Technology Sales in
17 2003 and I held that position until I left Oracle.

18 5. I have reviewed a document produced by Oracle in discovery in the above-
19 captioned case marked as Trial Exhibit 6431 (attached hereto as Exhibit A) and bearing
20 production numbers OAGOOGL0013122654 through OAGOOGL0013122783. The
21 document marked as Trial Exhibit 6431 is a true and correct copy of the email I received from
22 Christina Lucke on December 16, 2010 that attached a PowerPoint presentation I had prepared.
23 At the time she sent the email, Ms. Lucke was the Senior Administrator to me and my colleague
24 Vineet Gupta. I understand that Ms. Lucke's email and the attached presentation are held in
25 Oracle's archives.

26 6. The presentation marked as Trial Exhibit 6431 is dated December 17, 2010 and
27 bears the title "Worldwide Alliances & Channels and Embedded Sales – Java Business Review."
28 The presentation is a record of regularly conducted business activity and was prepared and kept in

1 the course of a regularly conducted business activity of Oracle; specifically, conducting reviews
2 of the Java Sales business to better understand the state of the Java business, including the
3 financial condition of the Java business, licensing successes and the competitive landscape. I
4 created the presentation marked as Trial Exhibit 6431 in the regular course of my job
5 responsibilities for business purposes. Specifically, I presented the PowerPoint in a meeting I had
6 with Mark Hurd, then the Chief Executive Officer of Oracle, to provide him information about
7 the state of sales in the Java Platform Group. The information contained in the presentation was
8 used by Mr. Hurd to, among other things, make strategic decisions about the future of the Java
9 sales business.

10 7. At the time I created the document marked as Trial Exhibit 6431, my job
11 responsibilities included managing the Java sales business, reviewing the state of the business and
12 providing Oracle's management with regular reports regarding the state of the business. I
13 regularly created and presented PowerPoint presentations, including the presentation marked as
14 Trial Exhibit 6431, in order to convey accurate information about the Java sales business to
15 Oracle's management. I created the presentation marked as Trial Exhibit 6431 at or near the time
16 of the occurrence of the matters set forth relying on my personal knowledge and information
17 transmitted by a person with knowledge of those matters. To the extent I incorporated
18 information transmitted by others into the presentation, that information was provided to me by
19 my sales team, who were under a business duty to accurately report information to me.

20 8. I have also reviewed a document produced by Oracle in discovery marked as Trial
21 Exhibit 6470 (attached hereto as Exhibit B) and bearing production numbers
22 OAGOOGL0014164955 through OAGOOGL0014165010. The document marked as Trial
23 Exhibit 6470 is a true and correct copy of the email I received from Ed Washington on August 3,
24 2010. At the time he sent the email, Mr. Washington's job responsibilities included Java product
25 marketing and business development. Additional recipients of the email were Mr. Gupta, Ms.
26 Lucke, and additional Oracle employees Dororthy Brentari and Govind Vedantaham. Attached to
27 Mr. Washington's email is a PowerPoint presentation titled "Q1FY11 Java Sales Review" that is
28 dated July 6, 2010. I understand that Mr. Washington's email and the attached presentation are

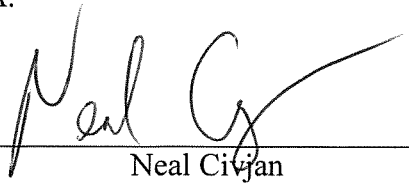
1 held in Oracle's archives.

2 9. Much like the document marked as Trial Exhibit 6431, I created the presentation
3 marked as Trial Exhibit 6470 for business purposes. Specifically I presented the PowerPoint in a
4 meeting I had with Oracle management to educate them on the state of the Java business,
5 including sales and licensing for the Java platforms. The presentation is a record of regularly
6 conducted business activity and was prepared and kept in the course of a regularly conducted
7 business activity of Oracle; specifically, conducting reviews of the Java Sales business to better
8 understand the state of the Java business, including the financial condition of the Java business,
9 licensing successes and the competitive landscape. The information contained in the
10 presentation was used by me and upper management to, among other things, better understand the
11 competitive pressure faced by our team and make strategic decisions about the future of the Java
12 sales business.

13 10. At the time I created the document marked as Trial Exhibit 6470, my job
14 responsibilities included managing the Java sales business, reviewing the state of the business,
15 and understanding the competitive landscape. I regularly created and presented PowerPoint
16 presentations, including the presentation marked as Trial Exhibit 6470, in order to provide
17 accurate information about the Java sales business to Oracle management. I created the
18 presentation marked as trial Exhibit 6470 at or near the time of the occurrence of the matters set
19 forth relying on my personal knowledge and information transmitted by a person with knowledge
20 of those matters. To the extent I incorporated information transmitted by others into the
21 presentation, that information was provided to me by my sales team, who were under a business
22 duty to accurately report information to me.

1 I declare under penalty of perjury under the laws of the United States and the State of
2 California that the foregoing is true and correct.

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4 Executed this 6th day of July, 2016, at Palo Alto, CA.

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8 Neal Civjan
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